THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

Writ Petition No.28326 of 1997

Dated 26-07-2006

Between:

G.V.V.R.Anjaneyulu ..
Petitioner

and

Govt. of A.P., rep. by its Secretary,
Agriculture & Co-Operation Department,
Secretariat, Hyderabad and others ..
Respondents

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ORDER:

The petitioner seeks a Writ of *Mandamus* directing the respondents to fix the revised pay scales, as per the memo No.5661/Co.op.III/2-91-1, dated 14-10-1991, issued by the Government with all consequential benefits.

The petitioner has been working as a Secretary of Primary Agricultural Co.operative Society at Tarakaturu, in Krishna District. His services were regularized earlier. While so, on 14-10-1991, the first respondent issued a memo bearing No.5661/Co.Op.III/2-91-1, revising the pay scales of paid Secretaries in the State by bringing them on par with Supervisor-V cadre of the District Co.operative Central Banks i.e., in the scale of Rs.264 to Rs.704/- along with dearness allowance and other allowances with effect from 01-01-1991. However, despite several representations given by the petitioner, his scale was not revised as per the memo, while revising the pay scale of other employees.

The writ petition was resisted by the respondents, by filing a counter, by the second and third respondents herein. It was their stand *inter alia* in the counter that the petitioner was kept under suspension on 01-02-1983 on the allegation of misappropriation of funds of Varahapatnam Primary Agricultural Co.operative Society and was

later reinstated on payment of the misappropriated amount and again he was put under suspension for misappropriation of the funds of Tarakaturu Primary Agricultural Co.operative Society and was later reinstated on 26-11-1992 on payment of the misappropriated amount and thus in two instances he was guilty and his guilt was proved for misappropriation and that the pay of the individual was revised as per the Circular No.62738/89/PACS/Cr.2/B, dated 23-11-1992 of the Commissioner for Cooperation and Registrar of Co.operative Societies, Andhra Pradesh, Hyderabad, treating the individual eligible for V cadre scale and fixed allowances and pay certificate was issued on 11-11-1994. As per the pay certificate, the individual was eligible for total emoluments of Rs.1,445/- per month from 01-01-1995 and that having regard to the status-quo granted by the High Court, the respondent could not implement the revised pay scales.

During the course of arguments, it has been brought to my notice by the learned Government Pleader that subsequent to the orders passed by a Division Bench of this Court, a memo, whereunder revised pay scales were granted, was cancelled and there has been no gainsaying of the same on the side of the petitioner. It is further represented that those employees, in whose case the revised pay scales have been implemented, have also been asked to pay back the amounts. In that view of the matter, the writ petitioner cannot ask for revision of the pay scales and in a way the Writ Petition becomes infructuous.

It is the grievance of the petitioner that his case has not been considered in terms of G.O.Ms.No.314, dated 26-12-2000, to which the petitioner is eligible and entitled to. As stated hereinabove, *inter alia* in the counter, the stand of the respondent seems to be that the scale of the petitioner has been fixed and to that effect a certificate has also

been issued for implementing the scales with effect from 01-01-1995 and even that could not be implemented on account of the status-quo order granted by this Court. It is for the authorities to implement that scale or the scale as per G.O.Ms.No.314, dated 26-12-2000, whichever is appropriate. However, it may be clarified that stopping fixation of the pay, as per the revised pay scales, on the sole premise of the pendency of the disciplinary action or awarding punishment in the disciplinary action is not correct. Fixation of pay, in my considered view, is not dependent upon the punishment awarded in a disciplinary enquiry.

With the above observation, the Writ Petition is disposed of. No order as to costs.

T.CH.SURYA RAO, J.

26th July, 2006.

skmr